IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4691 of 1986
with
CIVIL APPLICATION NO. 500 OF 1990

For Approval and Signature:

Hon'ble MR.JUSTICE K.M.MEHTA

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

---

DEVANG & CO.

Versus

GUJARAT MARITIME BOARD

---

Appearance:

1. Special Civil Application No. 4691 of 1986

MR KS NANAVATI for Petitioner No. 1
M/S PURNANAND & CO for Respondent No. 1
MR PR NANAVATI for Respondent No. 1
MR. B.Y. MANKAD, AGP, for Respondent No. 2,4
MR MJ THAKORE for Respondent No. 3,5
..... for Respondent No. 6
..... for Respondent No. 7

---

CORAM : MR.JUSTICE K.M.MEHTA

Date of decision: 06/03/2002

ORAL JUDGEMENT

1. Devang & Co.-petitioner is a partnership firm

carrying on business at Bombay. The petitioner is dealing in ship breaking business. Respondent No. 1 Gujarat Maritime Board is a Corporation (hereinafter referred to `s the Board') incorporated by respondent No. 4, State of Gujarat, for the purpose of development of the port and port activities. Respondent No. 1 has developed several plots at Alang, Dist. Bhavnagar for the purpose of ship breaking. Respondent No. 3 is Metal Scrap Trade Corporation Ltd. is charged with an obligation to supply exported ships for breaking purpose to the concerned ship breakers who are duly registered with it.

2. The petitioner has submitted an application in prescribed form to respondent No. 3 on 28.3.1983 along with all necessary documents namely, No Objection Certificate (N.O.C.) from Gujarat Maritime Board, registration as a small scale industry, N.O.C. from Customs Authority, income-tax clearance certificate, bank guarantee, payment of fees of Rs. 200/- etc. Respondent No. 3 had initially registered petitioner on 18.3.1983. Thereafter, the petitioner has tendered bank guarantee of Rs. 5,00,000/- for demand registration as well as tendering an amount of Rs. 50,000/- for security deposit on 9.8.1982. It has been alleged in the petition that one plot has been allotted at Alang to M/s. Arya Ship Breaking Co. (Pvt.) Ltd., Bombay by the respondent who submitted an application in prescribed form on 10.8.1983 who was initially registered with respondent No. 3 on 13.9.1983 and who tendered an amount of Rs. 5,00,000/for demand registration and an amount of Rs. 50,000/- as security deposit on 10.8.1983. Thus as a matter of fact the said Arya Ship Breaking Co. (Pvt.) Ltd. was junior to the petitioner. However, the plot is allotted to Arya Ship Breaking Co. (Pvt. ) Ltd., Bombay whose name is at serial No. 12 in seniority list while the petitioner's name is shown at serial number 16. The petitioner submitted that the parties who are at serial number 13 and onwards are junior to the petitioner in respect of the submission of application as well as initial registration with respondent No. 3 and tendering of the amount of Rs. 5,00,000/- for demand registration and tendering Rs. 50,000/- for security deposit.

3. In view of the aforesaid, the petitioner challenged the seniority list and prayed that the name of the petitioner should be placed in the seniority list at least between 10 and 12 and the petitioner be allotted one of the vacant plots at Alang.

4. In view of the above, the petitioner has prayed

in this petition that this court may issue writ of mandamus or a writ of certiorari or any other directions directing the respondents to consider petitioner's applications on the basis when the petitioner has tendered a letter of credit at Bombay office on 9.8.1983 considering the initial registration which was made on 13.5.1983 and declare that considering the facts petitioner's name should be between serial number 10 and 12 in the list and the petitioner is entitled for an allotment of the plot at Alang out of 60 developed plots and out of the two unallotted plot and MSTC who provides necessary vessels to the petitioner on the strength of his demand made on 9.9.1983.

5. The petition is filed somewhere in September 1986 and the court has admitted the matter and interim relief was refused.

6. Mr. P.R. Nanavati, learned advocate, appeared on behalf of Gujarat Maritime Board. He has produced the Regulations called "The Gujarat Maritime Board (Conditions and Procedures for granting permission for utilising shipbreaking plots) Regulation, 1994. He has also produced Gujarat Maritime Board Act, 1981 and in exercise of powers conferred by Sections 37, 38, 39, 41 and 110 and other enabling provisions of the Gujarat Maritime Board Act, 1981, the Gujarat Maritime Board with the previous approval of the Government of Gujarat in Ports and Fisheries Department letter dated 15.6.1984 enacted the Regulation known as the Gujarat Maritime Board (Conditions and Procedures for granting permission for utilising shipbreaking plots) Regulation, 1994.

7. The learned counsel has stated that pursuant to the aforesaid Regulations, auctions have been held in 1994 for giving plots to the concerned persons. In view of this subsequent development, the grievance raised by the petitioner does not survive. The petition is rejected accordingly. Rule is discharged with no order as to costs.

8. In view of the order passed in the main matter, no orders are passed on the Civil Application.

(K.M. MEHTA, J)

(pkn)